

course of transportation from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel and amendments thereto for the reason that said flour was mixed, colored, powdered, coated, and stained in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the flour was branded "Waterloo and Cedar Falls Union Mill Company, Crystal patent, from hard wheat, Waterloo, Iowa," which said statement regarding the flour was false and misleading in that it represented that the flour was patent flour, whereas, in truth and in fact, it was not, but was a kind of flour known as straight flour; for the further reason that the label bore a statement which was false and misleading in that it thereby represented that the flour was made from hard wheat, whereas, in truth and in fact, it was not, but was made from a mixture consisting of more than one-half winter wheat, the balance being spring wheat; and for the further reason that the flour was in fact an imitation of, and was designed and offered for sale under the distinctive name of, patent flour, and was labeled and branded so as to deceive and mislead the purchaser thereof.

On May 18, 1912, an order was entered that 282 sacks of the flour be released, and that 5 sacks be retained in the custody of the court for jurisdictional purposes. On December 27, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered as to the 5 sacks remaining in custody, and it was ordered by the court that the product be destroyed by the United States marshal, and that the Waterloo and Cedar Falls Union Mill Co. should pay the costs of the proceedings.

E. D. BALL, *Acting Secretary of Agriculture.*

8341. Misbranding of Milks Emulsion. U. S. * * * v. 17 Dozen Large-size Bottles and 17 Dozen Small-size Bottles of Milks Emulsion. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 11399. I. S. Nos. 15154-r, 15155-r, S. No. E-1805.)

On October 9, 1919, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of a certain quantity of a certain article, labeled in part "Milks Emulsion," at Camden, N. J., alleging that the article had been shipped on or about July 26, 1919, by the Milks Emulsion Co., Terre Haute, Ind., and transported from the State of Indiana into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of petrolatum, with small amounts of sirup, glycerin, and methyl salicylate, and that it contained no fat.

Misbranding of the article was alleged in the libel in that certain statements regarding the curative or therapeutic effects of the article, appearing in the booklets accompanying, and on the label on the bottle containing the article, falsely and fraudulently represented the article to be effective as a remedy for dyspepsia, indigestion, catarrh of the stomach and bowels, bronchial asthma, catarrhal croup, bronchitis, and tuberculosis of the lungs, whereas, in truth and in fact, it was not effective. Further misbranding was alleged in that the statement in the booklets regarding the article represented that the article contained a great amount of fat, whereas, in truth and in fact, it contained no fat. On December 18, 1919, the Milks Emulsion Co., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered,

and it was ordered by the court that the product be released to the claimant upon the payment of the costs of the proceedings and the filing of a bond, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

8342. Misbranding of cottonseed meal and cottonseed cake. U. S. * * * v. Searcy Oil & Ice Co., a Corporation. Plea of guilty. Fine, \$75 and costs. (F. & D. No. 11426. I. S. Nos. 7498-r, 7499-r, 7525-r.)

On March 4, 1920, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Searcy Oil & Ice Co., a corporation, Searcy, Ark., alleging shipment by said company, in violation of the Food and Drugs Act, from the State of Arkansas into the State of Missouri, on or about December 10, 1918, of a quantity of an article, labeled in part "Supreme Brand Cotton Seed Meal Cotton Seed Cake," and on December 20, and December 17, 1918, respectively, of quantities of an article, labeled in part "Butterfly Brand Cottonseed Meal," each of which was misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the following results:

	Supreme Brand.	Butterfly Brand, shipment of—	
		Dec. 17.	Dec. 20.
Protein (per cent)-----	37.19	36.44	36.48
Crude fiber (per cent)-----	14.75	14.64	14.51
Fat (per cent)-----		4.59	-----

Misbranding of each shipment was alleged in the information for the reason that the following statements, "Protein 38.60% * * * crude fibre 12.00%," or "Not less than 38.5% crude protein, not more than 12% crude fiber," or "Protein 38.60 per cent, fat 6.00 per cent, fibre 12.00 per cent," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the Supreme Brand cottonseed meal cottonseed cake contained not less than 38.60 per cent of crude protein and not more than 12 per cent of crude fiber, that one of the shipments of Butterfly Brand cottonseed meal contained not less than 38.5 per cent of crude protein and not more than 12 per cent of crude fiber, and that the other shipment of Butterfly Brand cottonseed cake contained not less than 38.60 per cent of crude protein, not less than 6 per cent of fat, and not more than 12 per cent of fiber, and for the further reason that said articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said articles contained not less than 38.60 per cent or not less than 38.5 per cent of protein, not less than 6 per cent of fat, and not more than 12 per cent of crude fiber, whereas, in truth and in fact, they contained less than the quantities indicated of protein and less than the quantity indicated of fat, and more than 12 per cent of crude fiber.

On March 26, 1920, a plea of guilty was entered on behalf of the defendant corporation, and the court imposed a fine of \$75 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

8343. Adulteration of pecan nuts. U. S. * * * v. 375 Sacks of Pecan Nuts. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 11542. I. S. No. 28-r. S. No. E-1870.)

On December 1, 1919, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 375 sacks of pecan nuts at Brooklyn, N. Y., alleging